



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/371,537	08/10/1999	HIROFUMI SUDA	35.C13723	9383
5514	7590	09/15/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/371,537

Applicant(s)

SUDA ET AL.

Examiner

Ngoc K. Vu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 7/6/06 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that the Davis reference disclose or show the wireless/wired arrangement. This argument is not persuasive.

The Strandwitz reference discloses the features of a first apparatus in a wireless network and a second apparatus in a wired network. Particularly, Strandwitz teaches that the gateway 401 (or "communication apparatus") converts the received wireless protocol (i.e., video data captured by wireless camera device 100) into wired protocol (i.e., standard public network protocol or the standard PC interface protocol) to transfer transport protocol signaling between devices 100 and 410 (see figure 4 and col. 6, lines 48+).

Strandwitz specifically discloses that the wireless camera device is communicating over a wideband radio channel 400 to a gateway 410 (see col. 6, lines 48-50). From this view, it must be understood that the gateway 401 comprises a wireless communication unit (i.e., RX unit) adapted to receive encoded video data encoded by the wireless camera device 100 and transmitted from the wireless camera device 100.

Standwitz also discloses that gateway 401 comprises encoding/decoding module, real time video transport protocol, verified transport protocol and a communication controller and transceiver so that encoding/decoding algorithms and transport protocols are configured and optimized based on the multimedia data type and the user's selection. Furthermore, the

gateway 401 converts the received wired protocol into wireless protocol to transfer transport protocol signaling between devices 100 and 410. It is noted that the gateway 401 is two-way communications apparatus as shown in figure 4. From this view, it must be understood that the gateway 401 comprises a wired communication unit adapted to receive encoded video data encoded transmitted from the PC 410 (see figure 4; col. 6, lines 48-66).

The Davis reference describes that an apparatus (206 or 208 – see figure 2) translates encoded video data from first format to second format. For example, the received encoded video data (i.e., format A) from terminal 202 is decoded by decoder 212 to provide decoded video data, and the decoded video data are input to encoder 214 to encode the decoded video data into an encoded video data (i.e., format B) to provide the encoded video data to terminal 204 via switch 210 (see figure 2; col. 3-4, lines 63-44). That is, Davis teaches the features of decoding the received video data to provide decoded video data and encoding the decoded video data into an encoded video data.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation can be found in the Davis reference at column 1, lines 18-21, 41-52; col. 2, lines 45-54. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Standwitz by decoding the received encoded video data to provide decoded video data and encoding the decoded video data into an encoded video data using a video encoding system as suggested by Davis in order

Art Unit: 2623

to provide an effective mechanism for translating video data between the different formats to transfer encoded video data between devices that are compatible with different encoding standards with less cost.

Claims 22-45 are not allowable. Therefore, the rejections of claims 22-45 are maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandwitz et al. (US 6,522,352 B1) in view of Davis (US 6,078,350 A).

Regarding claim 22, Strandwitz discloses a communication system (see figure 4) comprising:

a first apparatus in a wireless network (100 – figure 4);

a second apparatus in a wired network (410 – see figure 4); and

a communication apparatus (401) (see figure 4) includes a wireless communication unit (within 401, i.e., RX unit), a decoding unit (within 401), an encoding unit (within 401), and a wired communication unit (within 401, i.e., TX unit),

wherein the wireless communication unit is capable of communicating with the first apparatus through the wireless network (see figure 4) and receiving first encoded video data encoded by a first video encoding system and transmitted from the first apparatus (gateway 401

Art Unit: 2623

comprises encoding/decoding module, real time video transport protocol, verified transport protocol and a communication controller and transceiver so that encoding/decoding algorithms and transport protocols are configured and optimized based on the multimedia data type and the user's selection. Furthermore, the gateway 401 converts the received wireless protocol (i.e., video data captured by wireless camera device 100) into wired protocol (i.e., standard public network protocol or the standard PC interface protocol) to transfer transport protocol signaling between devices 100 and 410 (see figure 4 and col. 6, lines 48-63). The wireless camera device is communicating over a wideband radio channel 400 to a gateway 410 (see col. 6, lines 48-50). From this view, it must be understood that the gateway 401 comprises a wireless communication unit adapted to receive encoded video data encoded by the wireless camera device 100 and transmitted from the wireless camera device 100),

wherein the wireless communication unit (RX unit in gateway 401) is adapted to receive first encoded video data encoded by a first encoding system and transmitted from the first apparatus (device 401 comprises RX unit for receiving encoded video encoded by video encoding unit in wireless camera device and transmitted from the wireless camera device 100 as shown in figure 4 – see figure 4; col. 6, lines 48-63),

wherein the wired communication unit (TX unit in gateway 401) is capable of communicating with the second apparatus through the wired network (see figure 4) and transmitting the video data (from the wireless camera device 100) to the second apparatus (computer 410 – see figure 4).

Strandwitz does not specifically disclose decoding the received encoded video data to provide decoded video data and encoding the decoded video data into second encoded video data using a second video encoding system. Davis shows that an apparatus (206 or 208 – see figure 2) translates encoded video data from first format to second format. For example, the

Art Unit: 2623

received encoded video data (i.e., format A) from terminal 202 is decoded by decoder 212 to provide decoded video data, and the decoded video data are input to encoder 214 to encode the decoded video data into an encoded video data (i.e., format B) to provide the encoded video data to terminal 204 via switch 210 (see figure 2; col. 3-4, lines 63-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Strandwitz by decoding the received encoded video data to provide decoded video data and encoding the decoded video data into an encoded video data using a video encoding system as suggested by Davis in order to provide an effective mechanism for translating video data between the different formats to transfer encoded video data between devices that are compatible with different encoding standards with less cost.

Regarding **claim 23**, Strandwitz discloses that the first apparatus (100) is a video camera (see figure 4), and the second apparatus (410) is an apparatus adapted to record the second video data on a recording medium (it is noted that multi-media personal computer 410 can record video data on recording medium such as disc, hard-drive...etc – see figure 4; col. 6, lines 48-58).

Regarding **claim 24**, Strandwitz discloses that the first apparatus (100) is a video camera (see figure 4), and the second apparatus (410) is an apparatus adapted to display the second video data (it is noted that multi-media personal computer 410 adapted to display the video data on monitor 411 – see figure 4; col. 6, lines 48-58).

Regarding **claim 25**, the interpretation for this claim is similar to the interpretation for claim 22 above.

Regarding **claim 26**, the interpretation for this claim is similar to the interpretation for claim 23 above.

Art Unit: 2623

Regarding **claim 27**, the interpretation for this claim is similar to the interpretation for claim 24 above.

Claims **28-30** recite a communication method having the same limitations as recited in claims 25-27. Therefore, they are rejected for the same reasons as claims 25-27.

Regarding **claim 31**, Strandwitz discloses a communication system (see figure 4) comprising:

- a first apparatus in a wireless network (404 – figure 4);
- a second apparatus in a wired network (410 – see figure 4); and
- a communication apparatus (401) that includes a wireless communication unit (within 401, i.e., TX unit), a decoding unit (within 401), an encoding unit (within 401), and a wired communication unit (within 401, i.e., RX unit),

wherein the wired communication unit (i.e., RX unit) is capable of communicating with the second apparatus through the wired network (see figure 4) and receiving second encoded video data encoded by a second video encoding system and transmitted from the second apparatus (gateway 401 comprises encoding/decoding module, real time video transport protocol, verified transport protocol and a communication controller and transceiver so that encoding/decoding algorithms and transport protocols are configured and optimized based on the multimedia data type and the user's selection. Furthermore, the gateway 401 converts the received wired protocol into wireless protocol to transfer transport protocol signaling between devices 100 and 410. It is noted that the gateway 401 is two-way communications apparatus as shown in figure 4. From this view, it must be understood that the gateway 401 comprises a wired communication unit adapted to receive encoded video data encoded transmitted from the PC 410 – see figure 4; col. 6, lines 48-66),

wherein the wireless communication unit (TX unit in apparatus 401) is capable of communicating with the first apparatus through the wireless network (see figure 4) and transmitting the video data (from PC 410) to the first apparatus (404 – see figure 4).

Strandwitz does not specifically disclose decoding the received encoded video data to provide decoded video data and encoding the decoded video data into first encoded video data using a first video encoding system. Davis shows that an apparatus (206 or 208 – see figure 2) translates encoded video data from first format to second format. For example, the received encoded video data (i.e., format A) from terminal 202 is decoded by decoder 212 to provide decoded video data, and the decoded video data are input to encoder 214 to encode the decoded video data into an encoded video data (i.e., format B) to provide the encoded video data to terminal 204 via switch 210 (see figure 2; col. 3-4, lines 63-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Strandwitz by decoding the received encoded video data to provide decoded video data and encoding the decoded video data into an encoded video data using a video encoding system as suggested by Davis in order to provide an effective mechanism for translating video data between the different formats to transfer encoded video data between devices that are compatible with different encoding standards with less cost.

Regarding claim 32, Strandwitz discloses that the first apparatus (lap-top computer 404) is an apparatus adapted to record the first encoded video data on a recording medium (i.e., video tape, hard-drive, disc...etc - see figure 4), and the second apparatus (410) is an apparatus adapted to reproduce the second video data from a recording medium (it is noted that multi-media personal computer 410 can reproduce the video data from recording medium such as hard-drive, disc...etc – see figure 4; col. 6, lines 48-58).

Regarding **claim 33**, Strandwitz discloses that the first apparatus (lap-top computer 404) is an apparatus adapted to display the first encoded video data (see figure 4), and the second apparatus (410) is an apparatus adapted to reproduce the second encoded video data from a recording medium (it is noted that multi-media personal computer 410 can reproduce the video data from recording medium such as hard-drive, disc...etc – see figure 4; col. 6, lines 48-58).

Regarding **claim 34**, the interpretation for this claim is similar to the interpretation for claim 31 above.

Regarding **claim 35**, the interpretation for this claim is similar to the interpretation for claim 32 above.

Regarding **claim 36**, the interpretation for this claim is similar to the interpretation for claim 33 above.

Claims **37-39** recite a communication method having the same limitations as recited in claims 34-36. Therefore, they are rejected for the same reasons as claims 34-36.

Claims **40-45**, Strandwitz discloses that transmission of video data must be isochronous to prevent buffer over flow or underflow in the receiving end in the system as shown in figure 4 (see col. 8, lines 9-13).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2623

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ngoc K. Vu
Primary Examiner
Art Unit 2623

September 13, 2006